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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Ovard Aloise Ambroise,

10 Plaintiff,

11 v.

12 Judith Ann Martin,

13 Defendant.
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No. CV-24-03255-PHX-CDB

ORDER

15 This matter was assigned to Magistrate Judge Camille D. Bibles. (Doc. 3). On
16 December 5, 2024, the Magistrate Judge filed a Report and Recommendation with this
17 Court.¹ (Doc. 7). Plaintiff timely filed a Response to the Magistrate Judge's Report and
18 Recommendation on December 17, 2024. Having reviewed the Report and

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20 ¹ This case is assigned to a Magistrate Judge. However, not all parties have
21 consented to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court
pursuant to General Order 21-25, which states in relevant part:

22 When a United States Magistrate Judge to whom a civil action has been
23 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be
24 appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1)
due to incomplete status of election by the parties to consent or not consent
to the full authority of the Magistrate Judge,

25 **IT IS ORDERED** that the Magistrate Judge will prepare a Report and
Recommendation for the Chief United States District Judge or designee.

26 **IT IS FURTHER ORDERED** designating the following District Court
27 Judges to review and, if deemed suitable, to sign the order of dismissal on
my behalf:

28 Phoenix/Prescott: Senior United States District Judge Stephen M.
McNamee

1 Recommendation and Plaintiff's Response thereto, the Court orders as follows.

2 **STANDARD OF REVIEW**

3 When reviewing a Magistrate Judge's Report and Recommendation, this Court
4 "shall make a de novo determination of those portions of the report . . . to which objection
5 is made," and "may accept, reject, or modify, in whole or in part, the findings or
6 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C); see also
7 Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). The relevant provision of the
8 Federal Magistrates Act, 28 U.S.C. § 636(b)(1)(C), "does not on its face require any
9 review at all . . . of any issue that is not the subject of an objection." Thomas v. Arn, 474
10 U.S. 140, 149 (1985); see also Wang v. Masaitis, 416 F.3d 992, 1000 n.13 (9th Cir. 2005)
11 ("Of course, de novo review of a R & R is only required when an objection is made to the
12 R & R."); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
13 ("Neither the Constitution nor the [Federal Magistrates Act] requires a district judge to
14 review, de novo, findings and recommendations that the parties themselves accept as
15 correct."). Likewise, it is well-settled that "failure to object to a magistrate judge's factual
16 findings waives the right to challenge those findings." Bastidas v. Chappell, 791 F.3d
17 1155, 1159 (9th Cir. 2015) (quoting Miranda v. Anchondo, 684 F.3d 844, 848 (9th Cir.
18 2012)).

19 **DISCUSSION**

20 The Magistrate Judge has recommended that Plaintiff's Complaint be dismissed
21 without prejudice and without leave to amend due to Plaintiff's failure to show that
22 jurisdiction is proper. Because Plaintiff asserts only a breach of contract claim and attests
23 that both Plaintiff and Defendant are residents of Arizona, the Magistrate Judge
24 determined that Plaintiff has failed to show that diversity jurisdiction over this action is
25 proper.

26 Plaintiff filed a Response to the Magistrate Judge's Order on December 17, 2024.
27 However, Plaintiff's Response is largely unresponsive to the deficiencies identified by
28 the Magistrate Judge. In Plaintiff's Response, Plaintiff describes immigrating to the

1 United States and becoming involved in the community. (Doc. 8). Plaintiff then
2 introduces the U.S. Citizenship and Immigration Services and appears to argue that the
3 Defendant, as Plaintiff's sponsor, breached a contract with "the Haitian and U.S.
4 Government" by failing to support Plaintiff until Plaintiff secured citizenship. (Id.)

5 Plaintiff has raised no specific objection to any portion of the Report and
6 Recommendation and Plaintiff's Response states no cognizable basis for federal question
7 or diversity jurisdiction over this matter. Because the Federal Magistrates Act does not
8 require review of "any issue that is not the subject of an objection," the Court finds it
9 appropriate to adopt the Magistrate Judge's Report and Recommendation without further
10 review. Accordingly, the Court hereby incorporates and adopts the Magistrate Judge's
11 Report and Recommendation.

12 CONCLUSION

13 Accordingly, for the reasons set forth,

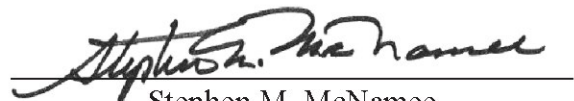
14 **IT IS ORDERED adopting** the Report and Recommendation of the Magistrate
15 Judge. (Doc. 7).

16 **IT IS FURTHER ORDERED dismissing Plaintiff's** Complaint, (Doc. 1),
17 without prejudice and without leave to amend.

18 **IT IS FURTHER ORDERED denying as moot** Plaintiff's Application for Leave
19 to Proceed In Forma Pauperis. (Doc. 2).

20 **IT IS FURTHER ORDERED directing** the Clerk of Court to close this case.

21 Dated this 6th day of January, 2025.

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24 Stephen M. McNamee
25 Senior United States District Judge
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